

FIRST REGULAR SESSION

SENATE BILL NO. 654

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KENNEDY.

Read 1st time March 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2563S.011

AN ACT

To repeal sections 84.120 and 84.170, RSMo, and to enact in lieu thereof two new sections relating to the St. Louis board of police commissioners.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 84.120 and 84.170, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 84.120 and 84.170, to
3 read as follows:

84.120. 1. No person shall be appointed or employed as policeman,
2 turnkey, or officer of police who shall have been convicted of, or against whom
3 any indictment may be pending, for any offense, the punishment of which may be
4 confinement in the penitentiary; nor shall any person be so appointed who is not
5 of good character, or who is not a citizen of the United States, or who is not able
6 to read and write the English language, or who does not possess ordinary physical
7 strength and courage. The patrolmen and turnkeys hereafter appointed shall
8 serve while they shall faithfully perform their duties and possess mental and
9 physical ability and be subject to removal only for cause after a hearing by the
10 boards, who are hereby invested with the [exclusive] jurisdiction in the premises.

11 **2. The board shall have the sole discretion whether to delegate**
12 **portions of its jurisdiction to others, including hearing officers. The**
13 **board shall retain final and ultimate authority over such matters and**
14 **over the persons or groups of persons to whom the delegation may be**
15 **made.**

16 **3. Nothing in this section or chapter shall be construed to**
17 **prohibit the board of police commissioners from delegating any task**
18 **related to disciplinary matters, disciplinary hearings, or any other**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 **hearing or proceeding which could otherwise be heard by the board or**
20 **concerning any determination related to whether an officer is able to**
21 **perform the necessary functions of the position. Tasks related to the**
22 **preceding matter may be delegated by the board to others, including a**
23 **hearing officer, under the provisions of subsection 4 of this section.**

24 **4. (1) The hearing officer or others to whom a delegation has**
25 **been made by the board may, at the sole discretion of the board,**
26 **perform certain functions, including but not limited to the following:**

27 **(a) Presiding over a disciplinary matter from its inception**
28 **through to the final hearing;**

29 **(b) Preparing a report to the board of police commissioners or**
30 **the chief of police; and**

31 **(c) Making recommendations to the board of police**
32 **commissioners or the chief of police as to the allegations and the**
33 **appropriateness of the recommended discipline.**

34 **(2) The board shall promulgate rules, which may be changed**
35 **from time to time as determined by the board, and shall make such**
36 **rules known to the hearing officer or others.**

37 **(3) The board shall at all times retain the authority to render the**
38 **final decision after a review of the relevant documents, evidence,**
39 **transcripts, videotaped testimony, or report prepared by the hearing**
40 **officer or others to whom the board has made such allegations.**

84.170. 1. When any vacancy shall take place in any grade of officers, it
2 shall be filled from the next lowest grade; provided, however, that probationary
3 patrolmen shall serve at least six months as such before being promoted to the
4 rank of patrolman; patrolmen shall serve at least three years as such before being
5 promoted to the rank of sergeant; sergeants shall serve at least one year as such
6 before being promoted to the rank of lieutenant; lieutenants shall serve at least
7 one year as such before being promoted to the rank of captain; and in no case
8 shall the chief or assistant chief be selected from men not members of the force
9 or below the grade of captain. Patrolmen shall serve at least three years as such
10 before promotion to the rank of detective; the inspector shall be taken from men
11 in the rank not below the grade of lieutenant.

12 **2. The boards of police are hereby authorized to make all such rules and**
13 **regulations, not inconsistent with sections 84.010 to 84.340, or other laws of the**
14 **state, as they may judge necessary, for the appointment, employment, uniforming,**

15 discipline, trial and government of the police. The said boards shall also have
16 power to require of any officer or policeman bond with sureties when they may
17 consider it demanded by the public interests. All lawful rules and regulations of
18 the board shall be obeyed by the police force on pain of dismissal or such lighter
19 punishment, either by suspension, fine, reduction or forfeiture of pay, or
20 otherwise as the boards may adjudge.

21 **3. The authority possessed by the board of police includes, but**
22 **is not limited to, the authority to delegate portions of its powers**
23 **authorized in section 84.120, including presiding over a disciplinary**
24 **hearing, to a hearing officer or other person or persons as determined**
25 **by the board.**

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Bill

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